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EXAMINER	
LEE, WILSON	

ART UNIT	PAPER NUMBER
2821	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/698,019	LYS ET AL.	
	Examiner	Art Unit	
	Wilson Lee	2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *5,7,8,13-20,26,28,29 and 33-40* is/are allowed.

6)☒ Claim(s) *1-4,6,9-12,21-25,27,30-32,41 and 42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/13/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

Applicant's arguments filed on 11/14/05 have been fully considered but they are not persuasive.

Rejections under 35 U.S.C. 112, 2nd paragraph

Applicant alleges that Examiner misinterpreted "energy" to refer to illumination or light and traverse the rejection under 35 U.S.C. 112, 2nd paragraph on a phrase "to absorb energy that would otherwise be reflected".

Examiner disagrees.

Examiner has never interpreted "energy" as illumination or light for examination nor indicated its indefiniteness. Indeed, the quoted limitation is not understood because the word "reflected" cannot provide any functional action or behavior to the term "energy". In the Examiner's best understanding of science, illumination or light can be reflected. But energy cannot be reflected. Therefore, Examiner questioned applicant how energy can be reflected ***if*** the energy is *not* an illumination or light. Or in other words, how can electrical voltage or current be reflected?

Since the indefiniteness has not been clarified yet, therefore the rejections under 35 U.S.C. 112 2nd paragraph maintain.

Rejections under 35 U.S.C. 103(a)

Applicant argues that the rejections to claims 1-4, 6, 9-12, 23-25, 27 and 30-32 under 35 U.S.C. 103 based on Michael in view of Phares are improper because he alleges that they lack the three criteria to establish a prima facie case of obviousness.

(1) no suggestion or motivation to combine the references has been provided; (2) no reasonable expectation of success in doing so and (3) no combination of Michael and Phares could possibly teach or suggest all of the features recited in Applicants' independent claims 1 and 23. He explains that Michael and Phares are so different to be combined.

Examiner disagrees.

As shown in the previous office action, Examiner has not ever combined any Phares' fixtures including lighting units, track structure, cables, etc. with Michael. Examiner merely showed an example of a system for decorative use comprising plural lighting units such as found in Phares. And it would have been obvious to one of ordinary skill in the art to duplicate Michael's his own lighting fixture into to a plural form for decorative lighting, as taught by Phares (i.e. the teachings or ideas of using plural lighting units and an intended use for decorating). Since the only alteration in Michael to meet claimed invention is to add or duplicate one or more Michael's his own additional lighting loads powered by his own track, the expectation of success is quite reasonable. Moreover, it is held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669, 124 US/Q 378 (CCPA 1960). And applicant fails to explain any new and unexpected result being produced. Thus, the rejections under 35 U.S.C. 103 meet the second criterion.

Further, as admitted by applicant, Examiner has showed at least two motivations for adding lighting loads, "to render larger illumination coverage" and "to provide

decorative lighting". It appears that he contradicts himself in what he alleges, "there is no suggestion or motivation to combine the references" on page 17 of the response. Other motivations for providing duplicated or plural lights, in the knowledge generally available to one of ordinary skill in the art, could be (1) to let the invention be more observable or viewable to viewers, (2) to increase the usage of the illumination system by providing lights at multiple locations (e.g. in two different rooms or at the corners of a room). Since motivations have been provided, the rejections under 35 U.S.C. 103 meet the first criterion by providing motivations.

On page 18, applicant argues that the colored glow of Michael's decorative LED ribs does not provide any significant illumination, which is newly added in the claims.

The newly added "sufficient visible light so as to provide significant ambient illumination" in claims 1 and 23 is indefinite. The terms "sufficient visible" and "significant" do not specify any ambient illumination level, degree, or lumens. Examiner questions, "how bright is the light so that it can fit to generate sufficient visible light so as to provide significant ambient illumination?" In Examiner's perspective and interpretation, all lights or colored glows including one or more LEDs (e.g. Michael) for decorative purpose or any other purpose are sufficient visible lights that can provide enough significant illumination.

Applicant argues that the rejection under 35 U.S.C. 103 is improper because he alleges that the combination of Michael and Phares fails to disclose or suggest all limitations such as the newly added "sufficient visible light so as to provide significant ambient illumination in an environment to be occupied by an observer of the ambient

illumination as disclosed in claims 1 and 23 to meet the third criterion for establishing a prima facie case of obviousness.

As discussed above, either Michael or the combination with Phares can generate sufficient visible light so as to provide significant ambient illumination. Another part "in an environment to be occupied by an observer of the ambient illumination" does not change the scope of the invention. Besides, almost any environment on earth can be occupied by an observer. An environment (e.g. a room), where Michael's invention operates can be occupied by observer of the ambient illumination.

Therefore, the rejections under 35 U.S.C. 103 on claims 1 and 23 are proper because they meet all three criteria to establish a prima facie case of obviousness as explained in the above discussions on Michael or his combination with Phares.

Applicant argues that Michael requires total of nine conductive tracks but the claimed invention provides both power and data in parallel to the plurality of lighting fixtures only via one pair of electrically conductive tracks as disclosed in Claims 9 and 30.

Examiner disagrees.

Michael does not have nine conductive tracks. Applicant does not clearly indicate or show where the nine conductive tracks are located in Michael. Figure 3 of Michael very clearly shows that **only one pair** of electrically conductive tracks **exists** in which track (82) for providing power and another track (134) for providing data.

Claim Rejections – 35 U.S.C. 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21, 22, 41, 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 21 and 41, line 3, "to absorb energy that would otherwise be reflected" is vague. Examiner questioned applicant how energy can be reflected if the energy is not an illumination or light. Or in other words, how can electrical voltage or current be reflected?

Claim Rejections – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6, 9-12, 23-25, 27, 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michael et al. (4,656,398) in view of Phares (5,420,482).

Regarding Claim 1, Michael discloses a track lighting apparatus comprising:

- an essentially rigid linear or curvilinear-shaped housing (e.g. housings that enclose the LED light bulb shown in Figure 2. Light fixture housing. See Figures 1, 2 and 12);
- at least one pair of essentially rigid electrically conductive tracks (82, 134) mechanically coupled to the housing (through wires 412, 162) and configured to provide power (through plug 320) and data (through wire 362) to a lighting

fixture (See figure 12) when the fixture is coupled to the at least one pair of electrically conductive tracks (See Figures 3 and 12); and

- at least one LED-based lighting fixture (Group A, B, C, LEDs) mechanically coupled to the housing (light fixture housing), electrically coupled to the at least one pair of electrically conductive tracks (82, 134) (See figure 3), and configured to be responsive to the data (data), the at least one LED-based lighting fixture including a plurality of LEDs configured to generate visible light so as to provide significant ambient illumination in an environment to be occupied by an observer of the ambient illumination (See Figure 12).

As discussed above, Michael essentially discloses the claimed invention but does not explicitly disclose a plurality of lighting fixtures. However, it would have been obvious to one of ordinary skill in the art to provide a plurality of lighting fixtures in Michael in order to render larger illumination coverage. For instance, Phares teaches a track comprising a plurality of lighting fixtures (44) in order to provide a decorative lighting and illuminated display signs (See abstract). It would have been obvious to one of ordinary skill in the art to provide a plurality of Michael's fixtures in Michael as taught by Phares in order to provide a decorative lighting. Further, it is held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Regarding Claim 2, Michael discloses that the apparatus is configured such that the at least one LED-based lighting fixture (See Figure 12) is detachably (See slide member 80, contacts 164 can slide along the tracks and be detached from the track)

coupled to the housing (through the wires) and the at least one pair of electrically conductive tracks, and movable along a length of the housing (members 80, 164 can be slidable along with the housing).

Regarding Claim 3, Michael discloses that the at least one pair of electrically conductive tracks (82, 134) are configured to provide the power and the data in parallel to the lighting fixture (See Figures 2 and 12).

As discussed above, Michael essentially discloses the claimed invention but does not explicitly disclose a plurality of lighting fixtures. However, it would have been obvious to one of ordinary skill in the art to provide a plurality of lighting fixtures in Michael in order to render larger illumination coverage. For instance, Phares teaches a track comprising a plurality of lighting fixtures (44) in order to provide a decorative lighting and illuminated display signs (See abstract). It would have been obvious to one of ordinary skill in the art to provide a plurality of Michael's fixtures in Michael as taught by Phares in order to provide a decorative lighting. Further, it is held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Regarding Claim 4, Michael discloses that the at least one LED-based lighting fixture is configured to process at least the data so as to control at least one of an intensity of radiation generated by the at least one fixture (See Col. 8, lines 48-51), or a color of the generated radiation (See Col. 8, lines 54-68).

Regarding Claim 6, Michael discloses that the at least one LED-based lighting fixture is configured to output at least first radiation (red) having a first wavelength (red

color inherently having 650-660 nm wavelength) and second radiation (green) inherently having a second wavelength (green color having 570nm wavelength) (See page 290 of Coaton); and the apparatus further comprises at least one controller (378, 144) coupled to the at least one pair of electrically conductive tracks and configured to independently control at least a first intensity of the first radiation and a second intensity of the second radiation output (e.g. separately and selectively be caused to glow with a red, a green or a yellow effect) by the at least one LED-based lighting fixture based at least in part on the data (See Col. 8, line 54 to Col. 10, line 68).

Although Michael does not specify first radiation having a first wavelength and second radiation having second wavelength, different radiation in color inherently comprise different wavelengths (See page 290 of Coaton).

Regarding Claim 9, Michael discloses a track lighting apparatus comprising:

- an essentially rigid linear or curvilinear-shaped housing (e.g. housings that enclose the LED light bulb shown in Figure 2. Light fixture housing. See Figures 1, 2 and 12);
- at least one pair of essentially rigid electrically conductive tracks (82, 134) mechanically coupled to the housing (through wires 412, 162) and configured to provide power (through plug 320) and data (through wire 362) to a lighting fixture (See figure 12) when the fixture is coupled to the at least one pair of electrically conductive tracks (See Figures 3 and 12); and

at least one LED-based lighting fixture (Group A, B, C, LEDs) mechanically coupled to the housing (light fixture housing), electrically coupled to the at least one pair

of electrically conductive tracks (82, 134) (See figure 3), and configured to be responsive to the data (data) (See Figure 12).

Further, Michael discloses that the at least one pair (82, 134) of electrically conductive tracks includes only one pair (82, 134) of electrically conductive tracks to provide both the power and the data in parallel to the lighting fixture (See Figures 3 and 12).

As discussed above, Michael essentially discloses the claimed invention but does not explicitly disclose a plurality of lighting fixtures. However, it would have been obvious to one of ordinary skill in the art to provide a plurality of lighting fixtures in Michael in order to render larger illumination coverage. For instance, Phares teaches a track comprising a plurality of lighting fixtures (44) in order to provide a decorative lighting and illuminated display signs (See abstract). It would have been obvious to one of ordinary skill in the art to provide a plurality of Michael's fixtures in Michael as taught by Phares in order to provide a decorative lighting. Further, it is held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Regarding Claim 10, Michael discloses that the at least one pair (82, 134) of electrically conductive tracks (82, 134) includes at least a first track (82) to provide the power to the lighting fixture and at least a second track (134) to provide the data to the lighting fixture (See Figure 3 and 12).

As discussed above, Michael essentially discloses the claimed invention but does not explicitly disclose a plurality of lighting fixtures. However, it would have been

obvious to one of ordinary skill in the art to provide a plurality of lighting fixtures in Michael in order to render larger illumination coverage. For instance, Phares teaches a track comprising a plurality of lighting fixtures (44) in order to provide a decorative lighting and illuminated display signs (See abstract). It would have been obvious to one of ordinary skill in the art to provide a plurality of Michael's fixtures in Michael as taught by Phares in order to provide a decorative lighting. Further, it is held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Regarding Claim 11, Michael discloses that the at least one pair of electrically conductive tracks (82, 134) is mechanically coupled to the housing (housing of the lighting fixture shown in Figures 1, 2, 12) via one electrical insulator (the casing of plug 414 is inherently made of insulative material so that any user can touch the plug).

Regarding Claim 12, although Michael does not specifically disclose that the housing is metallic, however, it is well known to one of ordinary skill in the art that the housing of Michael's lighting fixture is metallic in order to strengthen the protection of the housing and being inserted with the metallic bushing (84) (See Figure 2). Using a metallic housing or non-metallic housing does not create any unexpected result and novelty.

Regarding Claim 23, Michael discloses a lighting method, comprising an act of:

A) providing power and data (power through wire 320 and data through wire 362) to a lighting fixture (housing that encloses the LED light bulb shown in Figures 1, 2, 12) via at least one pair of essentially rigid electrically conductive tracks (82, 134) that are

mechanically coupled to an essentially rigid linear or curvilinear-shaped housing (housings that enclose the LED light bulb shown in Figure 2), the lighting fixture including at least one LED-based lighting fixture (LEDs groups shown in Figure 12) mechanically coupled to the housing, electrically coupled to the at least one pair of electrically conductive tracks (82, 134), and configured to be responsive to the data (data from plug 134), and at least one LED-based lighting fixture including a plurality of LEDs (LEDs groups shown in Figure 12) and;

B) generating sufficient visible light from the plurality of LEDs, in response to at least the data, so as to provide significant ambient illumination in an environment to be occupied by an observer of the ambient illumination (For further detail explanation, please review the above discussion in the response to the argument).

As discussed above, Michael essentially discloses the claimed invention but does not explicitly disclose a plurality of lighting fixtures. However, it would have been obvious to one of ordinary skill in the art to provide a plurality of lighting fixtures in Michael in order to render larger illumination coverage. For instance, Phares teaches a track comprising a plurality of lighting fixtures (44) in order to provide a decorative lighting and illuminated display signs (See abstract). It would have been obvious to one of ordinary skill in the art to provide a plurality of Michael's fixtures in Michael as taught by Phares in order to provide a decorative lighting. Further, it is held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Regarding Claim 24, Michael discloses that the act A) includes an act of:

providing the power and the data in parallel to the lighting fixture via the at least one pair of essentially rigid electrically conductive tracks (82, 134).

As discussed above, Michael essentially discloses the claimed invention but does not explicitly disclose a plurality of lighting fixtures. However, it would have been obvious to one of ordinary skill in the art to provide a plurality of lighting fixtures in Michael in order to render larger illumination coverage. For instance, Phares teaches a track comprising a plurality of lighting fixtures (44) in order to provide a decorative lighting and illuminated display signs (See abstract). It would have been obvious to one of ordinary skill in the art to provide a plurality of Michael's fixtures in Michael as taught by Phares in order to provide a decorative lighting. Further, it is held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Regarding Claim 25, Michael discloses that the act A) includes an act of:

processing at least the data so as to control at least one of an intensity of radiation generated by the at least one LED-based lighting fixture, a color of the generated radiation. (See Col. 8, lines 48-51 and See Col. 8, lines 54-68).

Regarding Claim 27, Michael discloses the at least one LED-based lighting fixture is configured to output at least first radiation (red) having a first wavelength (red color inherently having 650-660 nm wavelength) and second radiation (green) having a second wavelength (green color having 570 nm wavelength) (See page 290 of Coaton), and wherein the act A) includes an act of: B) providing at least the data so as to independently control (controlled by 378, 144) at least a first intensity of the first

radiation and a second intensity of the second radiation output by the at least one LED-based lighting fixture (e.g. separately and selectively be caused to glow with red, a green, or a yellow effect) (See Col. 8, line 54 to Col. 10, line 68).

Although Michael does not specify first radiation having a first wavelength and second radiation having second wavelength, different radiation in color inherently comprise different wavelengths (See page 290 of Coaton).

Regarding Claim 30, Michael discloses a track lighting method comprising an act of:

A) providing power and data (power through wire 320 and data through wire 362) to a lighting fixture (housing that encloses the LED light bulb shown in Figures 1, 2, 12) via at least one pair of essentially rigid electrically conductive tracks (82, 134) that are mechanically coupled to an essentially rigid linear or curvilinear-shaped housing (housings that enclose the LED light bulb shown in Figure 2), the lighting fixture including at least one LED-based lighting fixture (LEDs groups shown in Figure 12) mechanically coupled to the housing, electrically coupled to the at least one pair of electrically conductive tracks (82, 134), and configured to be responsive to the data (data from plug 134),

Further, Michael discloses that the at least one pair of electrically conductive tracks (82, 134) includes only one pair of electrically conductive tracks (82, 134), and wherein the act A) includes an act of: providing both the power (from track 82) and the data (from track 134) in parallel to the lighting fixture only via the one pair of electrically conductive tracks (82, 134).

As discussed above, Michael essentially discloses the claimed invention but does not explicitly disclose a plurality of lighting fixtures. However, it would have been obvious to one of ordinary skill in the art to provide a plurality of lighting fixtures in Michael in order to render larger illumination coverage. For instance, Phares teaches a track comprising a plurality of lighting fixtures (44) in order to provide a decorative lighting and illuminated display signs (See abstract). It would have been obvious to one of ordinary skill in the art to provide a plurality of Michael's fixtures in Michael as taught by Phares in order to provide a decorative lighting. Further, it is held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Regarding Claim 31, Michael discloses the at least one pair of electrically conductive tracks (82, 134) includes at least a first track (82) and a second track (134), and wherein the act A) includes acts of: providing the power to the lighting fixture via at least the first track (82); and providing the data to the lighting fixture via at least the second track (134).

As discussed above, Michael essentially discloses the claimed invention but does not explicitly disclose a plurality of lighting fixtures. However, it would have been obvious to one of ordinary skill in the art to provide a plurality of lighting fixtures in Michael in order to render larger illumination coverage. For instance, Phares teaches a track comprising a plurality of lighting fixtures (44) in order to provide a decorative lighting and illuminated display signs (See abstract). It would have been obvious to one of ordinary skill in the art to provide a plural Michael's fixtures in Michael taught by

Phares in order to provide a decorative lighting. Further, it is held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Regarding Claim 32, Michael discloses that the at least one pair of electrically conductive tracks is mechanically coupled to the housing (housing of the lighting fixture shown in Figures 1, 2, 12) via at least one electrical insulator (the casing of plug 414 is inherently made of insulative material so that any user can touch the plug).

As discussed above, Michael essentially discloses the claimed invention but does not explicitly disclose a plurality of lighting fixtures. However, it would have been obvious to one of ordinary skill in the art to provide a plurality of lighting fixtures in Michael in order to render larger illumination coverage. For instance, Phares teaches a track comprising a plurality of lighting fixtures (44) in order to provide a decorative lighting and illuminated display signs (See abstract). It would have been obvious to one of ordinary skill in the art to provide a plurality of Michael's fixtures in Michael as taught by Phares in order to provide a decorative lighting. Further, it is held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Allowable subject matter

Claims 5, 7, 8, 13-20, 26, 28, 29, 33-40 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art neither discloses nor suggests the following limitations, in combination with the remaining elements as disclosed in independent claims:

- at least one controller coupled to the at least one pair of electrically conductive tracks and configured to control the at least one LED-based lighting fixture, based at least in part on the data, using a pulse width modulation technique such as required by claim 5;
- the at least one controller is configured to independently control at least the first intensity of the first radiation and the second intensity of the second radiation output by the at least one LED-based lighting fixture using a pulse width modulation technique such as required by claim 7;
- a controlled waveshape driver coupled to the at least one pair of electrically conductive tracks and configured to reduce radio frequency radiation from the apparatus such as required by claim 8;
- the housing includes an extruded aluminum track such as required by claim 13;
- the at least one pair of electrically conductive tracks includes a controlled impedance medium such as required by claim 15;
- at least one termination coupled to the at least on pair of electrically conductive tracks and configured to compensate at least in part for an inductive effect of the at least one pair of electrically conductive tracks such as required by claim 18;
- at least one termination coupled to the at least one pair of electrically conductive tracks and configured to clamp a voltage a signal providing the

data to a maximum of approximately +5 volts and a minimum of approximately –5 volts such as required by claim 20;

- an act of processing at least the data so as to control the at least one LED-based lighting fixture using a pulse width modulation technique such as required by claim 26;
- an act of processing the data so as to independently control at least the first intensity of the first radiation and second intensity of the second radiation output by the at least one LED-based lighting fixture using a pulse width modulation technique such as required by claim 28;
- a step of conditioning at least one signal on the at least one pair of electrically conductive tracks so as to reduce radio frequency radiation from the apparatus such as required by claim 29;
- the housing includes an extruded aluminum track such as required by claim 30;
- the at least one pair of electrically conductive tracks includes a controlled impedance medium such as required by claim 35;
- a step of compensating a signal providing the data at least in part for an inductive effect of the at least one pair of electrically conductive tracks such as required by claim 38;
- a step of clamping a voltage of signal providing the data to a maximum of approximately +5 volts and a minimum of approximately –5 volts such as required by claim 40.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 21, 22, 41, 42 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vernondier (5,107,408) discloses lighting system comprising a track and LEDs fixtures. Coaton discloses the colors of LED having different wavelength. All of court cases cited in IDS have been considered. A copy of the IDS with examiner's initials is hereby attached.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824. Papers related to Technology Center 2800 applications may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilson Lee
Primary Examiner
U.S. Patent & Trademark Office

1-21-06